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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,514	07/16/2004	Larry L. Chrisko	34864	4343

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,514

Applicant(s)

CHRISCO ET AL

Examiner

Devon C Kramer

Art Unit

3683

NEW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-13 and 18-32 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 14-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

- 1) Claims 1-10 is objected to because of the following informalities:

Claim 1 line 15, "the first substantially hollow leg" should be —the first substantially hollow supporting leg—.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3) Claims 1, 3-4 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al (3937263).

In re claim 1, Hill et al provides a device capable of use as a wheel chock and for alternately supporting a trailer tongue wheel above the ground, the chock comprising: first and second wheel supporting surfaces (figure 1); a pair of sidewalls connecting the first and second wheel supporting surfaces (figure 2); a top surface (28, 30) including a depression (angled portion of 28 and 30) capable of supporting a trailer tongue wheel; a first open rim (22); and a first substantially hollow supporting leg (50) projecting from and being in communication with the first open rim, supporting the depression.

IN re claims 3-4 and 8-9, see figure 1.

Claim Rejections - 35 USC § 103

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 2, 10-13, 18-19 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (3937263) in view of Rehkopf et al (3819138).

In re claims 2, 10, 12 and 18-19, Hill lacks the tapered shape of the supporting leg and the shape of the depression.

Rehkopf teaches the taper (17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the supporting leg of Hill et al with a taper as taught by Rehkopf or the depression with an arcuate shape merely to absorb more force and to nest the devices together and since it has been held that the configuration of a claimed shape is a matter of design choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed shape was significant. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

Art Unit: 3683

In re claim 11, Hill et al teaches all of the limitations of the claim as recited in the 102 rejection of claim 1 above, but lacks the teaching of nesting the chocks.

Rehkopf teaches nesting the chocks.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the chock of Hill et al with a nesting feature as taught by Rehkopf merely to provide compact storage and to aid in transportation and carrying.

In re claims 13, please see figure 1 of Hill et al.

In re claim 30-32, please note that the method is inherent in Hill et al to what chocks are used for, using a chock to support the trailer tongue is a step which one of ordinary skill in the art would perform if it was necessary. Hill et al is capable of chocking a wheel, but is silent to nesting, please see the rejection above for the obvious statement relating to nesting the chocks.

6) Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (3937263) in view of Henry (D 316243).

In re claims 20-21, Hill et al teaches all of the limitations of claim 20 as recited in the rejection of claim 1 above, but lacks arcuate leading edges and recessed midsection.

Henry provides an arcuate leading edge with a recessed med-section. Please note that the recesses are between the tabs on the surface.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the first and second supporting surfaces of Hill et al with an

Art Unit: 3683

arcuate leading edge and a recessed midsection as taught by merely to provide a surface where with a larger area in contact with the wheel and to provide firm contact with the wheel.

In re claim 22, see figure 1 of Hill et al.

In re claims 23-24, the top surface of Hill et al is capable of supporting and preventing rotation of a trailer tongue wheel.

In re claim 25, see element 22 of Hill et al.

7) Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (3937263) in view of Henry (D 316243) and further in view of Rehkopf et al (3819138).

In re claims 26-29, Hill et al teaches all of the limitations of claim 20 as recited in the rejection of claim 1 above, but lacks arcuate leading edges and nesting.

Henry provides an arcuate leading edge with a recessed med-section. Please note that the recesses are between the tabs on the surface.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the first and second supporting surfaces of Hill et al with an arcuate leading edge and a recessed midsection as taught by merely to provide a surface where with a larger area in contact with the wheel and to provide firm contact with the wheel.

Rehkopf et al teaches nesting chocks.

Art Unit: 3683

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the chock of Hill et al as modified by Henry with a nesting feature as taught by Rehkopf merely to provide compact storage and to aid in transportation and carrying.

Allowable Subject Matter

8) Claims 5-7, 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Deon
12/16/04